

Attorney's Docket No.: 12361-014002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Applicant : X. Steve Yao                      Art Unit : 2873  
Serial No.: 10/005,745                      Examiner : Loha Ben  
Filed : November 2, 2001  
Title : PHOTONIC VARIABLE DELAY DEVICES BASED ON OPTICAL  
BIREFRINGENCE (AS AMENDED)

REISSUE APPLICATION OF ORIGINAL PATENT NO. 5,978,125  
PATENT GRANT DATE: 11/2/1999

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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TERMINAL DISCLAIMER UNDER 37 CFR §§3.73(b) AND 1.321(b)

Pursuant to 37 CFR §3.73(b), GENERAL PHOTONICS CORPORATION, certifies that it is the assignee of the entire right, title, and interest in the above application by virtue of an assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 011855, Frame 0936 on June 4, 2001 in the original Patent No. 5,978,125. General Photonics Corporation also certifies that it is the assignee of U.S. Patent No 5,978,125. A copy of the assignment is attached for your reference.

The undersigned has reviewed all the documents in the chain of title of the above identified application and to the best of undersigned's knowledge and belief, title is in General Photonics Corporation.

The undersigned is an officer of the assignee and thus is empowered to act on behalf of the assignee.

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

November 25, 2003  
Date of Transmission  
Signature *R. P. Appalito*

Roxanne Ippolito  
Name of Person Signing Certificate

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Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the present application subsequent to the expiration date of the patent to be granted on U.S. Reissue Patent Application No. 10/002,947 of the same original Patent No. 5,978,125, whereby the patent granted on this application and the patent to be granted on U.S. Reissue Patent Application No. 10/002,947 will expire on the same day, provided that any patent granted on the present application shall be enforceable only for and during such period that it is commonly owned with the patent to be granted on U.S. Reissue Patent Application No. 10/002,947.

The assignee identified above does not disclaim any terminal part of any patent granted on the present application prior to the expiration date of the full statutory term of the patent to be granted on U.S. Reissue Patent Application No. 10/002,947 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of the patent to be granted on U.S. Reissue Patent Application No. 10/002,947.

This disclaimer runs with any patent granted on the present application and is binding upon the grantee, its successors or assigns.

Please charge the \$55 Statutory disclaimer fee, and any additional applicable fees or credits, to Deposit Account No. 06-1050, referencing Attorney Docket No. 12361-014002.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: 11/18/03  
K. Steve Yao  
President & Chief Technical Officer  
General Photonics Corporation

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